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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,196	06/20/2000	John Zimmerman	US000127	6011

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EXAMINER
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SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
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2441

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10/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/597,196	<b>Applicant(s)</b> ZIMMERMAN, JOHN	
	<b>Examiner</b> KRISTIE D. SHINGLES	<b>Art Unit</b> 2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5,7,9,10 and 12-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5,7,9,10 and 12-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Per Applicant's Request for Continued Examination**

Claims 1-4, 6, 8 and 11 are cancelled.

Claims 5, 9, 13, 14, 16, 17 and 21 have been amended.

Claims 5, 7, 9, 10 and 12-25 are pending.

### **Continued Examination Under 37 CFR 1.114**

**I.** A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/5/2008 has been entered.

### **Response to Arguments**

**II.** Applicant's arguments with respect to claims 5, 9 and 14 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

**III.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**IV. Claims 5, 7, 9, 10, 12-21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Venkatraman et al* (US 6,139,177) in view of *Tan et al* (US 2001/0045451) and *Horn et al* (US 6,862,612).**

a. **Per claim 14, *Venkatraman et al* teach the method of controlling an appliance, comprising:**

- transmitting a first request to the relay server (*col.5 lines 36-67—transmits first request to the device's web server*),
- receiving a profile address from the relay server, based on the first request (*col.6 line 5-col.7 line 8—receiving address of the loader web page from the device's homepage*),
- transmitting a second request to a profile server corresponding to the profile address (*col.7 lines 9-52—transmit load request to loader web page*),
- receiving data from the profile server, based on the second request (*col.3 lines 38-53, col.7 line 53-col.8 line 9—receive updated device configuration from loader after downloading components from a retrieved package file*); and
- controlling the appliance in accordance with the user preference data (*Abstract, col.3 lines 20-30 38-58, col.8 lines 5-9—controlling and configuring the appliance based upon the downloaded components from the loader*).

*Venkatraman et al* teach receiving the address of the device homepage from user's web browser (*col.5 lines 35-38*), yet fail to explicitly teach receiving an address of a relay server from a remote device and receiving user preference data and controlling the appliance in accordance with the user preference data. However, *Tan et al* teach receiving the address of an access/web server from a smart card (*page 1 paragraphs 0008, 0011 and 0012; page 2 paragraph 0023; page 3 paragraph 0026; page paragraph 0032-0035*); while *Horn et al* teach retrieving a customer profile using information and location of a customer data bank or

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application server that stores customers profile information (*col.4 lines 14-34, col.6 line 39-col.11 line 7, col.11 lines 25-39*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Venkatraman et al* with *Tan et al* and *Horn et al* for the purpose of equipping a smartcard with web server access abilities, in order to invoke communicate data from the smartcard to a particular server for user authentication or for secure access to a specific website. Furthermore, accessing customer/user profiles is well-known in the art for the use of customer/user profiles which is obvious in controlling a customer/user device based on preferences of the customer/user.

b. **Claim 5** contains limitations that are substantially similar to claim 14 and is therefore rejected under the same basis.

c. **Regarding claim 15**, *Venkatraman et al* with *Tan et al* and *Horn et al* teach the method of claim 14, wherein the remote device is a radio-frequency device that transmits the address associated with the relay server (*Venkatraman et al: col.4 line 62-col.5 line 30; Tan et al: page 2 paragraph 0023; page 3 paragraph 0026; page 4 paragraphs 0032-0035*).

d. **Regarding claim 16**, *Venkatraman et al* with *Tan et al* and *Horn et al* teach the method of claim 14, *Venkatraman et al* the method further including receiving an address associated with an other relay server from another remote device, transmitting a third request to the other relay server, based on the address associated with the other relay server, receiving another profile server from the other relay server, transmitting a fourth request to another profile server corresponding to the other profile address, receiving user preference data from the other profile server based on the fourth request, and controlling the appliance in dependence upon at

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least a portion of the other user preference data (*col.4 lines 11-17, col.6 lines 37-52; Horn et al: col.4 lines 14-34, col.6 line 39-col.11 line 7, col.11 lines 25-39*).

e. **Claim 9** contains limitations that are substantially similar to claim 16 and is therefore rejected under the same basis.

f. **Regarding claim 17**, *Venkatraman et al* with *Tan et al* and *Horn et al* teach the method of claim 14, wherein the address of the relay server includes a Uniform Resource Locator (URL) that is stored at the remote device (*Venkatraman et al: col.5 lines 35-41; Tan et al: pages 1-2 paragraphs 0012-0013; page 2 paragraph 0023; page 3 paragraphs 0024-0026; Horn et al: col.4 lines 14-34, col.6 line 39-col.11 line 7, col.11 lines 25-39*).

g. **Regarding claim 18**, *Venkatraman et al* with *Tan et al* and *Horn et al* teach the appliance of claim 5, wherein the communications device is a wireless device that is remote from the appliance (*Venkatraman et al: col.4 line 62-col.5 line 30; Tan et al: Abstract, page 1 paragraphs 0006-0011*).

h. **Claim 19** is substantially similar to claim 17 and is therefore rejected under the same basis.

i. **Regarding claim 20**, *Venkatraman et al* with *Tan et al* and *Horn et al* teach the appliance of claim 5 wherein the controller is configured to determine an address of the relay server based on the device identifier (*Venkatraman et al: col.5 lines 35-51; Tan et al: page 1 paragraphs 0006-0011*).

j. **Regarding claim 7**, *Venkatraman et al* with *Tan et al* and *Horn et al* teach the method of claim 9, wherein each of the first remote device and the second remote device

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correspond to a portable device (*Venkatraman et al*: col.4 line 62-col.5 line 30; *Tan et al*: page 2 paragraph 0022).

k. **Regarding claim 10**, *Venkatraman et al* with *Tan et al* and *Horn et al* teach the method of claim 9, wherein each of the first and second remote device corresponds to a radio frequency identification device (*Venkatraman et al*: col.4 line 62-col.5 line 30; *Tan et al*: page 2 paragraph 0022; page 3 paragraphs 0024 and 0028).

l. **Regarding claim 12**, *Venkatraman et al* with *Tan et al* and *Horn et al* teach the method of claim 10, wherein delivering the first and second access data includes co-locating the radio frequency identification device with the appliance (*Venkatraman et al*: col.10 line 51-col.11 line 20; *Tan et al*: page 2 paragraph 0022; page 3 paragraphs 0024 and 0028; page 4 paragraphs 0030-0032).

m. **Regarding claim 13**, *Venkatraman et al* with *Tan et al* and *Horn et al* teach the method of claim 9, wherein the first configuration data includes configuration data relating to the appliance and configuration data relating to another type of appliance (*Venkatraman et al*: col.6 lines 37-47; *Tan et al*: page 2 paragraphs 0022-0023).

n. **Regarding claim 21**, *Venkatraman et al* with *Tan et al* and *Horn et al* teach the appliance of claim 9, *Venkatraman et al* further teach wherein reconfiguring the appliance includes creating a composite of the portion of the first configuration data and the portion of the second configuration data (col.3 lines 43-53).

o. **Claims 24 and 25** are substantially similar to claim 17 and are therefore rejected under the same basis.

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**V. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Venkatraman et al* (US 6,139,177) in view of *Tan et al* (US 2001/0045451) in further view of *Horn et al* (US 6,862,612) and *Hanko et al* (US 6,912,578).**

a. **Regarding claim 22,** *Venkatraman et al* with *Tan et al* and *Horn et al* teach the method of claim 12 as applied above yet fail to explicitly teach, reconfiguring the appliance to the first configuration after removal of the second remote device from a vicinity of the appliance. However, *Hanko et al* teach reconfiguring the appliance to a first configuration the smartcard is removed from the appliance (*col.3 lines 40-53, col.5 lines 18-30, col.9 lines 38-57, col.11 lines 10-41, col.13 lines 38-54*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Venkatraman et al*, *Tan et al* and *Horn et al* with *Hanko et al* for the purpose of permitting the appliance to reconfigure after a smartcard is removed or after a remote device is moved from the vicinity of the appliance (wherein the wireless, radio or infrared communication path is termination), in order for the appliance to return to its original dormant state, ready for input. Doing so, safeguards the integrity of the appliance's original configuration state from being compromised or over-written with preferential data from a user's smartcard or remote device and permits other smartcards/remote devices to effectively use the appliance without one tying-up or leaking the system's resources.

b. **Regarding claim 23,** *Venkatraman et al*, *Tan et al* and *Horn et al* with *Hanko et al* teach the method of claim 22, further including measuring a time duration after the removal of the second remote device, and wherein reconfiguring the appliance to the first configuration occurs when the time duration exceeds a predefined persistence period (*Hanko et al: col.3 lines 40-53, col.5 lines 18-30, col.9 lines 38-57, col.11 lines 10-41, col.13 lines 38-54*).



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### **Conclusion**

**VI.** The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure: Lee et al (7127735) and Rodov (6697837).

**VII.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is (571)272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Kristie D. Shingles***  
***Examiner***  
***Art Unit 2441***

***/KDS/***  
***/William C. Vaughn, Jr./***

Supervisory Patent Examiner, Art Unit 2444